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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,832	03/28/2002	Takeshi Nagasu	082370-000000US	8651

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EXAMINER

SWITZER, JULIET CAROLINE

ART UNIT PAPER NUMBER

1634

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

3/19.

Advisory Action

Application No.

10/019,832

Applicant(s)

NAGASU ET AL.

Examiner

Juliet C. Switzer

Art Unit

1634

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires three months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1 and 4-8.

Claim(s) withdrawn from consideration: 10-20.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet


JULIET C. SWITZER
PATENT EXAMINER

Continuation of 2. NOTE:

The amendments modify the scope of the claimed invention and require further search and consideration. For example, the amended claims 5 and 6 would have to be considered under 112 1st paragraph, and the written description rejection of record would have to be modified. For example, claims 10 and 11 raise the issue of new matter with regard to the nucleotides between 36 and 1171.

Continuation of 5. does NOT place the application in condition for allowance because: Many of the arguments address the amended claims which will not be entered. Arguments are addressed insofar as they apply to the pending claims.

Continuation of 10. Other: THE AMENDMENT IS NOT COMPLIANT WITH CURRENT RULES because

(1) The amendment does not recite all of the claims which are pending but withdrawn from consideration due to restriction requirement, namely claims 10-20.

(2) The newly added claims are not properly numbered and should be numbered claims 21 and 22.

APPLICANT IS ADVISED TO CORRECT THESE FORMAL MATTERS PRIOR TO FILING AND FUTURE AMENDMENTS. THIS AMENDMENT WOULD NOT HAVE BEEN ENTERED EVEN IF IT DID PLACE THE CLAIMS IN CONDITION FOR ALLOWANCE.